



The Importance Of The Principle Of “Maqasid As-Shariah” In Islamic Law

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Abstract: The article provides information about the concept of maqasid ash-shari’a (goals of the Shari’a) in Islamic law, its structure, and working mechanisms. Also, the stages of formation of this concept as an auxiliary science in Islamic law are highlighted.

Key words: maqasid ash-shar’ia, zaruriyat, hajiyat, takmiliyat, hukm, Juvayni, Gazzoli, Shotibi.

Today, as in all fields of science, there is a need to conduct extensive research on the theoretical foundations of Islamic law - Sharia. Because a thorough analysis of the true essence of Sharia law, understanding the content and philosophy of its theoretical regulations, and studying the high scientific work of Muslim jurists throughout history and revealing their significance from the perspective of the present day require great knowledge and perseverance from scholars in the field.

In Islamic law, according to the principle of maqasid ash-shari' (the goals of sharia law), there is an idea of protecting and developing the primary natural rights of a person, including his life, faith, mind, lineage and property. This principle reflects all-round social protection of citizens. To date, the objectives of Sharia have been formed as a separate subsidiary field in Islamic law. It can be seen that the goals of Shari'ah passed through three stages in its formation as a separate discipline¹.

1. Coming to the surface. At this stage, scholars have listed several topics and issues related to the objectives of Sharia in books on usul al-fiqh. For example, Imam al-Haramayn Juwayni (d. 1086) opened a separate chapter on this topic in his works "al-Burhan" and Abu Hamid al-Ghazali (d. 1112) opened a separate chapter on this topic in his works "al-Mustasfa"².

2. Separation as a separate discipline. At this stage, basic principles and general rules regarding the goals of Sharia were formed. Izzuddin ibn Abdussalam (d. 1242) was one of the first to interpret and justify them in his works entitled "Qawaid Alkubra" and "Qawaid Assugra". Shihabuddin Qarafi (d. 1285), one of the Maliki scholars, continued the works of Izzuddin ibn Abdussalam through several of his works, made some additions and corrections³.

3. Formation as an independent science. At this stage, the topics and issues of this science were explained and arranged. His arguments were investigated and his rules were brought to common grounds. Imam Abu Ishaq Ibrahim Shatibi (d. 1388) successfully carried out these works in his work "Al-Muwafaqat" and, according to some researchers, became the founder of the science of "goals of Sharia"⁴. There is a reason why Shatibi paid special attention

¹ Alauddin Zaatari. Qiraa fi ilmi maqasid ashsharia. - Riyadh: Maktaba al-Siraj, 1998. - P. 3.

² Abu Hamid Ghazali. Al-Mustafa. Riyadh, al-Mayman, 2001. - P. 327.

³ Izzuddin ibn Abdussalam. Qawaid Alkubra. - Damascus: Dor Alkalam, 1997. – P. 3.

⁴ Alauddin Zaatari. Qiraa fi ilmi maqasid ashsharia. - Riyadh: Maktaba al-Siraj, 1998. - P. 18.



to this issue. He belongs to the Maliki Madhhab, and in this Madhhab, the basis of "masolihul mursala (human interests)", which is one of the sources of Shari'a rulings, is the principle of "Sharia goals"⁵.

Shariah goals are divided into three types: necessity, necessity, and pleasure based on their impact on individuals and society.

1. Necessity – the primary necessary interests, the needs of the world and the hereafter depend on it. They are five necessities: religion, soul, mind, offspring and wealth. Without them, life on earth would be derailed, chaos and instability would prevail, and it would be impossible for a person to do any practice to achieve the blessings of the hereafter. In this respect, scholars of Islamic law have unanimously stated that the main goal of Islamic Shari'a is to protect and develop these five things⁶. Although some scholars have added "protection of honor and reputation" as the sixth necessity, the contemporary scientist Dr. Ramazan Buti analyzed the topic in detail and concluded that the protection of "honor" falls under the above five necessities. In addition, Muslim jurists emphasize that the protection of these five necessities are common goals recognized by all religions and societies⁷.

Shariah protects these five principles in two ways: creation, development and preservation and protection. Including:

- In order to ensure the emergence of "religion and faith" in a person, the Islamic Shari'a made it obligatory for every Muslim to perform the five basic actions (pillars: the five pillars of Islam: testimony, prayer, fasting, zakat and hajj), it can be seen that it also introduced several rulings to preserve religion and faith. Through them, the protection of religion and belief was established.

- Since human life and soul are the reason for birth and procreation, marriage was introduced in Sharia law for this purpose. In order to preserve it, all attacks on human life were strictly prohibited. In the event of these crimes, various severe punishments were imposed, such as blood money and retaliation.

- For the protection and continuation of the human race, obligations such as marriage, consent, khizana (the care and upbringing of a child by a worthy person), and maintenance were introduced, and impure acts such as adultery, which lead to its degradation, were completely prohibited and punished⁸.

- In order to protect the gift of reason given to man, it is obligatory for every Muslim to develop it through knowledge and education, and it is recommended to consume various beneficial products to stay healthy. On the other hand, consuming, producing, and selling products that waste the mind or temporarily or permanently impair the mind are strictly prohibited and punishable by law.

- In order for a person to become the owner of property, various mutually beneficial forms of transactions have been introduced, their rules and principles have been indicated. On the other hand, committing crimes such as theft, robbery, fraud, extortion, etc. is strictly prohibited and punishments for them are the protection and guarantee of property⁹.

2. The second type of Shariah objectives is necessity. Needs are the benefits and needs that people need to relieve their hardships or to provide for themselves. Although life cannot be achieved without them, some difficulties may arise. For example, special privileges in worship for travelers and the sick, permission to hunt in domestic life, and the use of more than necessary blessings (things) in food, drink, clothing, and shelter can be given as examples.

⁵ Alauddin Zaatari. Qiraa fi ilmi maqasid ashsharia. - Riyadh: Maktaba al-Siraj, 1998. - P. 19.

⁶ Ibrahim Shatibi. alMuwafaqat. Daru Ibn Affan, 1997. - J. 2. – P. 20.

⁷ Abu Hamid Ghazali. Al-Mustafa. Riyadh, al-Mayman, 2001. - P. 140.

⁸ Muhammad Said Ramazan Buti. It's a responsibility. - Cairo: Institution Arrisola, 1973. - P. 555.

⁹ Alauddin Zaatari. Qiraa fi ilmi maqasid ashsharia. - Riyadh: Maktaba al-Siraj, 1998. - P. 48.



3. Perfection or perfection is the third type of complementary purpose of the Sharia, which is the work (benefits) carried out to introduce nobility and good habits and acquire good morals. Without them, life cannot go astray, people may not experience hardship, but those with reason believe that the true meaning of life and the continuation of a bright future depend on them. For example, matters of purity, the protection of private parts, the prohibition of buying and selling impure and harmful things in the chapter of transactions and the prohibition of trading on someone else's trade or placing a price on someone else's price, the etiquette of eating and drinking, the prohibition of waste, the prohibition of consuming impure and harmful products, the establishment of standards and rules in the chapter of physical punishment, and the prohibition of killing women, young children, the elderly and worshipers in war can be cited as examples¹⁰.

In conclusion, it is important to correctly explain the true rules and principles of Islam to our society, especially among young people. Because in society, individuals who are supporters of thinking who misinterpret religious principles and concepts such as non-religiousness, pseudo-Salafiism, and fundamentalism, and who have an uncompromising, harsh attitude towards legal principles that have been in effect for several centuries, in particular the Hanafi school of thought and national and religious values, and who have a scientific response to thought based on theoretical rules of Islamic law – “usul al-fiqh” and “the goals of Sharia” - are urgent.

References:

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6. Ibn Abidiyn. *Raddul Mukhtar*. - Beirut: Dor Alfikr, 2000. - J. 3. – P. 555.

¹⁰ Ibn Abidiyn. *Raddul Mukhtar*. - Beirut: Dor Alfikr, 2000. - J. 3. – P. 121.